



**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of )

Schweitzer et al. )

Group Art Unit: 2142

Application No. 09/935,129 )

Examiner: Nguyen

Filed: 08/21/01 )

Attorney Docket No. XACTP014A

For: SYSTEM, METHOD AND )  
COMPUTER PROGRAM PRODUCT )  
FOR REPORTING IN A )  
NETWORK-BASED FILTERING )  
AND AGGREGATING PLATFORM )  
(as amended) )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION OF PRIOR INVENTION IN THE UNITED STATES  
OR IN A NAFTA OR WTO MEMBER COUNTRY  
TO OVERCOME CITED PATENT OR PUBLICATION (37 C.F.R. section 1.131)**

**PURPOSE OF DECLARATION**

1. This declaration is to establish completion of the invention in this application in the United States, at a date prior to September 26, 1997, that is the effective date of U.S. Pat. No.: 6,470,386 that was cited by the examiner.
2. The person making this declaration is an inventor, Tal Givoly.

**FACTS AND DOCUMENTARY EVIDENCE**

3. To establish the date of completion of the invention of this application, the following attached exhibit and statement are submitted as evidence:

EXHIBIT A – A confidential technology document dated September 20, 1997, and filed as a provisional application November 20, 1997 under App. Serial No.: 60/066,898.

STATEMENT: I, Tal Givoly, hereby state that the invention in the above application was conceived of and/or reduced to practice at least in part by me at least as early as September 20, 1997, as evidenced by EXHIBIT A. Such invention was conceived of and/or reduced to practice to be capable of collecting network communications usage information in real-time from a plurality of network devices at a plurality of layers utilizing multiple gatherers each including a plurality of information source modules each interfacing with one of the network devices and capable of communicating using a protocol specific to the network device coupled thereto, the network devices selected from the group consisting of routers, switches, firewalls, authentication servers, web hosts, proxy servers, netflow servers, databases, mail servers, RADIUS servers, and domain name servers, the gatherers being positioned on a segment of the network on which the network devices coupled thereto are positioned for minimizing an impact of the gatherers on the network; filtering and aggregating the network communications usage information; completing a plurality of data records from the filtered and aggregated network communications usage

information, the plurality of data records corresponding to network usage by a plurality of users; storing the plurality of data records in a database; allowing the selection of one of a plurality of reports for reporting purposes; submitting queries to the database utilizing the selected reports for retrieving information on the collection of the network usage information from the network devices; and outputting a report based on the queries; as well as various other features embodied in the claims and specification of the above patent application.

From this exhibit and statement, it is clear that the invention in this application was conceived of and/or reduced to practice at least as early as September 20, 1997.

#### **DILIGENCE**

4. It is hereby declared that applicants acted diligently from the effective date of the citation of the cited reference, up to reduction to practice and/or the filing of the above application.

#### **TIME OF PRESENTATION OF THE DECLARATION**

5. This declaration is submitted prior to final rejection.

#### **DECLARATION**

6. As a person signing below:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

#### **SIGNATURE(S)**

**Inventor's signature:**

  
Tal Givoly

Date: 6/9/04

**Country of Citizenship:**

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**Residence:**

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